

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 25

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO CRIMINAL LAW; EXTENDING THE TIME LIMITATION FOR
PROSECUTING THE CRIMES OF CONSPIRACY AND TAMPERING WITH
EVIDENCE TO COINCIDE WITH THE TIME LIMITATION FOR THE
UNDERLYING CRIME; PROVIDING A TEN-YEAR TIME LIMITATION FOR
PROSECUTING A FIRST DEGREE FELONY; PROVIDING NO TIME LIMITATION
FOR PROSECUTING CERTAIN VIOLENT FELONIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-1-8 NMSA 1978 (being Laws 1963,
Chapter 303, Section 1-8, as amended) is amended to read:

"30-1-8. TIME LIMITATIONS FOR COMMENCING PROSECUTION.--

[No] A. A person shall not be prosecuted, tried or
punished in any court of this state unless the indictment is
found or information or complaint is filed [~~therefor~~] within
the time as provided:

.176398.5

underscored material = new
[bracketed material] = delete

1 (1) for a capital felony or a violent felony,
2 no limitation period shall exist and prosecution for these
3 crimes may commence at any time after the occurrence of the
4 crime;

5 (2) for a first degree felony, within ten
6 years from the time the crime was committed;

7 ~~[A.]~~ (3) for a second degree felony, within
8 six years from the time the crime was committed;

9 ~~[B.]~~ (4) for a third or fourth degree felony,
10 within five years from the time the crime was committed;

11 ~~[C.]~~ (5) for a misdemeanor, within two years
12 from the time the crime was committed;

13 ~~[D.]~~ (6) for a petty misdemeanor, within one
14 year from the time the crime was committed;

15 (7) for the crime of conspiracy, within the
16 same time period as the crime conspired to be committed would
17 be prosecuted;

18 (8) for the crime of tampering with evidence,
19 within the same time period as the crime for which the
20 tampering with evidence was committed would be prosecuted;

21 ~~[E.]~~ (9) for any crime against or violation of
22 Section 51-1-38 NMSA 1978, within three years from the time the
23 crime was committed;

24 ~~[F.]~~ (10) for a felony pursuant to ~~[Sections]~~
25 Section 7-1-71.3, 7-1-72 or 7-1-73 NMSA 1978 ~~[or Section 4 of~~

1 ~~this 2005 act~~], within five years from the time the crime was
 2 committed; provided that for a series of crimes involving
 3 multiple filing periods within one calendar year, the
 4 limitation shall begin to run on December 31 of the year in
 5 which the crimes occurred; and

6 ~~[6.]~~ (11) for any crime not contained in the
 7 Criminal Code or where a limitation is not otherwise provided
 8 for, within three years from the time the crime was committed.

9 ~~[and~~

10 ~~H. for a capital felony or a first degree violent~~
 11 ~~felony, no limitation period shall exist and prosecution for~~
 12 ~~these crimes may commence at any time after the occurrence of~~
 13 ~~the crime.]~~

14 B. As used in this section, a "violent felony"
 15 means:

16 (1) a first degree felony found in any of the
 17 following articles in the Criminal Code:

18 (a) homicide, Chapter 30, Article 2 NMSA
 19 1978;

20 (b) kidnapping, Chapter 30, Article 4
 21 NMSA 1978;

22 (c) crimes against children and
 23 dependents, Chapter 30, Article 6 NMSA 1978;

24 (d) sexual exploitation of children,
 25 Chapter 30, Article 6A NMSA 1978;

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